

January 22, 2024

**VIA ECF**

Hon. Leo M. Gordon  
Senior Judge  
U.S. Court of International Trade  
One Federal Plaza  
New York, New York 10278

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**Re: *State of New Jersey v. U.S. Dep't of Transportation et al.*, No. 2:23-cv-03885**

Dear Judge Gordon:

I write as counsel for Plaintiff State of New Jersey ("New Jersey") concerning a pending motion to consolidate this case with another overlapping case filed on behalf of Fort Lee residents (the "Motion" and the "Fort Lee Plaintiffs") (Dkt. 84). New Jersey has no objection to this Motion, so as long as consolidation does not delay in any way the resolution of the pending cross-motions for summary judgment that will be fully briefed as of January 26, 2024.

By way of background, on July 21, 2023, New Jersey filed its complaint alleging violations of the National Environmental Policy Act ("NEPA") and the Clean Air Act, against the U.S. Department of Transportation and the Federal Highway Administration ("FHWA"), among others. Dkt. 1. The Metropolitan Transportation Authority ("MTA") and Triborough Bridge and Tunnel Authority intervened on October 12, 2023. Dkt. 38. New Jersey is challenging the FHWA's decision to bypass a full environmental review and issue a "finding of no significant impact" for the MTA's first-in-the-nation congestion pricing scheme that will massively change traffic patterns in the New York metropolitan area and admittedly cause adverse environmental impacts on surrounding communities, including many in New Jersey.

On November 1, 2023, the Fort Lee Plaintiffs filed a lawsuit against those same parties and their affiliates, asserting a similar NEPA claim and seeking similar relief. *Sokolich et al. v. U.S. Dep't of Transp., et al.*, 2:23-cv-21728 (Dkt. 1). The deadline to answer or respond to the Fort Lee Plaintiffs' Complaint was extended to February 15, 2024. *Id.* at Dkts. 49, 50.

The parties in New Jersey's lawsuit have cross moved for summary judgment, with briefing to be completed by January 26. (Dkts. 32, 67, 74, 79, 86). A resolution in New Jersey's favor—which would also favor the Fort Lee Plaintiffs—should dispose of both cases and obviate the need to resolve additional claims. Therefore, New Jersey respectfully has no objection to Fort Lee's Motion if it does not hinder the prompt resolution of its environmental claims.

As always, we thank the Court for its consideration.

Respectfully,

/s/ Randy M. Mastro

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Cc: All counsel of record (via ECF)